

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

BASF AGRO B.V., ARNHEM (NL),  
WÄDENSWIL BRANCH,  
BAYER S.A.S., and MERIAL LIMITED,

Plaintiffs,

v.

CHEMINOVA, INC.,

Defendant.

C.A. No. 1:10-cv-274-WO-WWD

**MOTION TO AMEND THE SCHEDULING ORDER ENTERED  
ON JUNE 10, 2011**

On June 8, 2011, at the request of the Court, the parties submitted a proposed scheduling order regarding various deadlines in this case. The Court entered the Scheduling Order on June 10, 2011. D.E. # 130. Upon review of the June 10, 2011 scheduling order, the undersigned noted that, due to a conversion error between Microsoft Word and Word Perfect, the Scheduling Order lacked the footnote text that was contained in the proposed scheduling order agreed to by the parties.

Plaintiffs request that the Court enter an Amended Scheduling Order that contains the footnote text agreed to by the parties. A copy of the proposed Amended Scheduling Order will be submitted to the Court in both Word Perfect and PDF format.

Respectfully submitted this 14th day of June, 2011.

/s/ Robert T. Numbers, II

Pressly M. Millen (NCSB No. 16178)  
Robert T. Numbers, II (NCSB No. 34134)  
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC  
150 Fayetteville Street, Suite 2100  
Raleigh, NC 27601  
Telephone: (919) 755-2100  
Facsimile: (919) 755-2150  
Email: [pmillen@wcsr.com](mailto:pmillen@wcsr.com)  
Email: [rnumbers@wcsr.com](mailto:rnumbers@wcsr.com)

*Attorneys for Plaintiffs  
BASF Agro B.V., Arnhem (NL), Wädenswil Branch,  
Bayer S.A.S., and Merial Limited*

Of Counsel:

Kenneth A. Gallo  
Craig Benson  
Kent Kemeny  
PAUL, WEISS, RIFKIND, WHARTON  
& GARRISON, LLP  
2001 K Street NW  
Washington, DC 20006-1047  
Telephone: (202) 223-7300  
Facsimile: (202) 223-7420  
Email: [kgallo@paulweiss.com](mailto:kgallo@paulweiss.com)  
[cbenson@paulweiss.com](mailto:cbenson@paulweiss.com)  
[kkemeny@paulweiss.com](mailto:kkemeny@paulweiss.com)

John Nathan  
Catherine Nyarady  
Kripa Raman  
Brian Egan  
Jayson L. Cohen  
PAUL, WEISS, RIFKIND, WHARTON  
& GARRISON, LLP  
1285 Avenue of the Americas  
New York, NY 10019-6064  
Telephone: (212) 373-3000  
Facsimile: (212) 757-3990  
Email: [jnathan@paulweiss.com](mailto:jnathan@paulweiss.com)  
[cnyarady@paulweiss.com](mailto:cnyarady@paulweiss.com)  
[kraman@paulweiss.com](mailto:kraman@paulweiss.com)

[began@paulweiss.com](mailto:began@paulweiss.com)  
[jlcohen@paulweiss.com](mailto:jlcohen@paulweiss.com)

*Of Counsel for BASF Agro B.V. , Arnhem (NL), Wädenswil Branch*

Robert J. Koch  
MILBANK, TWEED, HADLEY & MCCLOY LLP  
1850 K Street, N.W., Suite 1100  
Washington, DC 20006  
Telephone: (202) 835-7500  
Facsimile: (202) 835-7586  
Email: [rkoch@milbank.com](mailto:rkoch@milbank.com)

*Of Counsel for Bayer S.A.S.*

## **CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following CM/ECF participants: Daniel Alan M. Ruley, [aruley@belldavispitt.com](mailto:aruley@belldavispitt.com), William K. Davis, [wdavis@belldavispitt.com](mailto:wdavis@belldavispitt.com), Christopher G. Kelly, [christopher.kelly@hklaw.com](mailto:christopher.kelly@hklaw.com), Steven L. D'Alessandro, [steven.dalessandro@hklaw.com](mailto:steven.dalessandro@hklaw.com), Robert J. Burns, [robert.burns@hklaw.com](mailto:robert.burns@hklaw.com), Joshua C. Krumholz, [Joshua.krumholz@hklaw.com](mailto:Joshua.krumholz@hklaw.com), Jitendra Malik, [jmalik@alston.com](mailto:jmalik@alston.com), John Patrick Elsevier, [jpelsevier@jonesday.com](mailto:jpelsevier@jonesday.com), Matthew W. Howell, [matthew.howell@alston.com](mailto:matthew.howell@alston.com), Judy C. Jarecki-Black, [jduy.jarecki@merial.com](mailto:jduy.jarecki@merial.com), and Frank G. Smith, [frank.smith@alston.com](mailto:frank.smith@alston.com).

This the 14th day of June, 2011.

/s/ Robert T. Numbers, II

Pressly M. Millen (NCSB No. 16178)  
Robert T. Numbers, II (NCSB No. 34134)  
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC  
150 Fayetteville Street, Suite 2100  
Raleigh, NC 27601  
Telephone: (919) 755-2100  
Facsimile: (919) 755-2150  
Email: [pmillen@wcsr.com](mailto:pmillen@wcsr.com)  
Email: [rnumbers@wcsr.com](mailto:rnumbers@wcsr.com)

*Attorneys for Plaintiffs*  
*BASF Agro B.V., Arnhem (NL), Wädenswil Branch,*  
*Bayer S.A.S., and Merial Limited*

### **Of Counsel:**

Kenneth A. Gallo  
Craig Benson  
Kent Kemeny  
PAUL, WEISS, RIFKIND, WHARTON  
& GARRISON, LLP  
2001 K Street NW  
Washington, DC 20006-1047  
Telephone: (202) 223-7300  
Facsimile: (202) 223-7420  
Email: [kgallo@paulweiss.com](mailto:kgallo@paulweiss.com)  
[cbenson@paulweiss.com](mailto:cbenson@paulweiss.com)  
[kkemeny@paulweiss.com](mailto:kkemeny@paulweiss.com)

John Nathan  
Catherine Nyarady  
Kripa Raman  
Brian Egan  
Jayson L. Cohen  
PAUL, WEISS, RIFKIND, WHARTON  
& GARRISON, LLP  
1285 Avenue of the Americas  
New York, NY 10019-6064  
Telephone: (212) 373-3000  
Facsimile: (212) 757-3990  
Email: [jnathan@paulweiss.com](mailto:jnathan@paulweiss.com)  
[cnyarady@paulweiss.com](mailto:cnyarady@paulweiss.com)  
[kraman@paulweiss.com](mailto:kraman@paulweiss.com)  
[began@paulweiss.com](mailto:began@paulweiss.com)  
[jlcohen@paulweiss.com](mailto:jlcohen@paulweiss.com)

*Of Counsel for BASF Agro B.V. , Arnhem (NL), Wädenswil Branch*

Robert J. Koch  
MILBANK, TWEED, HADLEY & MCCLOY LLP  
1850 K Street, N.W., Suite 1100  
Washington, DC 20006  
Telephone: (202) 835-7500  
Facsimile: (202) 835-7586  
Email: [rkoch@milbank.com](mailto:rkoch@milbank.com)

*Of Counsel for Bayer S.A.S.*